

REMARKS

By way of the present amendment, Applicant proposes amending claim 27 to improve form. No new matter has been added by way of the proposed amendment. Claims 1-41 are pending.

Claim 27 is proposed to be amended in order to more clearly tie the method to a machine. MPEP 1206 states that “[a]mendments filed after the filing of a notice of appeal, but prior to the date of filing a brief, may be admitted only to: (A) cancel claims; (B) comply with any requirement of form expressly set forth in a previous action; (C) present rejected claims in better form for consideration on appeal; or (D) amend the specification or claims upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.”

The proposed amendment puts the claims in better form for consideration on appeal because the present amendment more clearly ties the process claims to another statutory class and, therefore, clearly directs the claims to statutory subject matter under 35 U.S.C. § 101.

In view of the foregoing amendments and remarks, Applicant respectfully requests that the Examiner enter this amendment.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & HARRITY, LLP

By: /Meagan S. Walling, Reg. No. 60,112/
Meagan S. Walling
Registration No. 60,112

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Harrity & Harrity, LLP
11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
Main: (571) 432-0800

Customer Number: **44987**